

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Consumer Financial Protection Bureau,

Plaintiff,

v.

Navient Corporation, *et al.*,

Defendants.

Case No. 3:17-CV-00101-RDM  
(Hon. Robert D. Mariani)

Electronically Filed

**PLAINTIFF’S MOTION TO DEFER THE DEADLINE FOR ITS  
RESPONSE TO DEFENDANTS’ MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND TO PROHIBIT FURTHER MOTIONS FOR SUMMARY  
JUDGMENT BEFORE THE CLOSE OF DISCOVERY**

Pursuant to Local Rules 7.1 and 7.5, the Bureau respectfully moves to defer the deadline for its response to Defendants’ motion for partial summary judgment (Doc. 160) until 21 days after the deadline for motions for summary judgment, which is currently set at November 7, 2019 (Doc. 141, ¶ 4a). In addition, the Bureau respectfully requests that the Court prohibit the filing of any further summary judgment motions until both fact and expert discovery have concluded. The grounds for this motion are set forth in the accompanying brief.<sup>1</sup> A proposed order is also being filed with this motion.

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<sup>1</sup> Because the brief references documents that have been designated as confidential pursuant to the protective order, it is being filed under seal, as is the accompanying appendix.

Notably, Navient initially informed the Court that its motion for partial summary judgment would be filed during the week of December 10, 2017. *See* Doc. 127, ¶ 1. However, the Court was not receptive to Navient's filing of a premature motion for summary judgment. *See* Dec. 10, 2017 Hearing Transcript, at 97:17-22. Thus, it appears that Navient delayed filing its motion until the day after the Court appointed the special master and has now requested that the master adjudicate the motion. While the Bureau appreciates the important role that the special master will play in resolving discovery disputes, the Bureau does not believe that referral of dispositive motions to the special master is appropriate.

In the event this motion is denied, the Bureau respectfully requests 60 days from the date of the order to file a response to Defendants' motion for partial summary judgment. If the Bureau must divert resources to responding to Defendants' summary judgment motion, a period of 60 days is necessary because the Bureau is extremely busy with intensive fact discovery. The fact discovery underway includes but is not limited to weekly proceedings before the special master, the Bureau's review of documents mentioning "Navient" or "Pioneer" to determine whether any privilege applies, numerous fact depositions noticed by both parties, extensive privilege log challenges by both parties, and continued review of large volumes of documents and data produced by Defendants recently that was responsive to requests served by the Bureau 11 to 17 months ago.

Dated: February 6, 2019

Respectfully submitted,

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*Enforcement Director*

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*Deputy Enforcement Director*

Thomas Kim  
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*Attorneys for Plaintiff*

**CERTIFICATE OF NONCONCURRENCE**

Pursuant to Local Rule 7.1, I certify that I conferred with counsel for Defendants regarding this motion and was informed that Defendants do not concur in the relief requested by this motion.

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**CERTIFICATE OF SERVICE**

I certify that, on February 6, 2019, I filed the foregoing document using the Court's ECF system, which will send notification of such filing to counsel for Defendants.

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